

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application.

1-11. (Cancelled)

12. (Currently Amended) A surround device adapted to be mounted to a wall adjacent an opening in the wall and provide a transition to a frame mounted in the opening, the surround device comprising:

a first leg being adapted for mounting to an outer face of the wall adjacent to the opening;

a second leg being adapted to be juxtaposed ~~to~~ against the frame and the wall ~~to so as to be positioned therebetween and~~ thereby provide a transition from the frame to the wall;

wherein the second leg includes a terminal end portion on the second leg of the surround device; and at least one frangible joint connecting the terminal end portion to a remainder of the second leg, the second leg being more readily broken at the frangible joint than at the remainder of the second leg;

wherein the terminal end portion is adapted to be removed along the frangible joint and thereby reveal a recess between the frame and the wall at a juncture adjacent to ~~the frame, the wall, and~~ the remainder of the second leg.

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13-14. (Cancelled)

15. (Original) The device of claim 12 wherein the first and second legs are generally perpendicular to each other.

16. (Currently Amended) A surround device adapted to be mounted to a wall adjacent an opening in the wall and provide a transition to a frame mounted in the opening, the surround device comprising:

a first leg being adapted for mounting to an outer face of the wall adjacent to the opening; and

a second leg being adapted to be juxtaposed ~~to~~ against the frame and the wall ~~to so as to be positioned therebetween and~~ thereby provide a transition from the frame to the wall;

wherein the second leg includes a terminal end portion and a frangible ~~connection joining~~ joint connecting the terminal end portion to a remainder of the second leg;

wherein the terminal end portion is adapted to be removed along the frangible ~~connection~~ joint and thereby reveal a recess between the frame and the wall at a juncture adjacent to ~~the frame and~~ the remainder of the second leg;

wherein the second leg is a closed cell foam material and the frangible ~~connection~~ joint comprises perforations in the closed cell foam material.

17. (Cancelled)

18. (Original) The device of claim 12 wherein the first and second legs are of dissimilar materials bonded together.

19-24. (Cancelled)

25. (Currently Amended) A cavity wall construction comprising:

a first wall;

a second wall generally parallel to and spaced from the first wall;

wherein the second wall is comprised of courses of masonry units held together with mortar;

an opening in the second wall;

a frame sized and configured to fit within the opening; and

a generally L-shaped device having a first leg and a second leg, the first leg of the device being juxtaposed to a face of one of the walls, and ~~a~~ the second leg of the device being inserted into the opening to thereby span the opening in the second wall and be juxtaposed against the frame and the second wall;

wherein the second leg of the device includes a terminal end portion ~~on the second leg of the surround device;~~ and at least one frangible joint connecting the terminal end portion to a remainder of the second leg, the second leg being more readily broken at the frangible joint than at the remainder of the second leg;

wherein the terminal end portion is adapted to be removed along the frangible joint and thereby reveal a recess at a juncture adjacent to the frame, the remainder of the second leg, and the second wall, ~~and one of the jambs and the header of the opening.~~

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26. (Cancelled)

27. (Previously Presented) The cavity wall construction of claim 25 further comprising:
a bead of caulk positioned in the recess and sealing the juncture between
the remainder of the second leg and the second wall.

28. (Previously Presented) The cavity wall construction of claim 25 wherein the opening
is one of a window opening and a door opening.

29. (Currently Amended) A cavity wall construction comprising:

a first wall;

a second wall generally parallel to and spaced from the first wall;

wherein the second wall is comprised of courses of masonry units held together with mortar;

an opening in the second wall;

a frame sized and configured to fit within the opening; and

a generally L-shaped device having a first leg and a second leg, the first leg of the device being juxtaposed to a face of one of the walls and ~~a~~ the second leg of the device being inserted into the opening to thereby span the opening in the second wall and be juxtaposed against the frame and the second wall;

wherein the second leg of the device includes a terminal end portion and a frangible ~~connection joining~~ joint connecting the terminal end portion to a remainder of the second leg;

wherein the terminal end portion is adapted to be removed along the frangible ~~connection~~ joint and thereby reveal a recess at a juncture adjacent to the frame, the remainder of the second leg, and the second wall ~~and the opening~~;

wherein the second leg is a closed cell foam material, the frangible ~~connection~~ joint comprises perforations in the closed cell foam material, and the first and second legs are of dissimilar materials bonded together.

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30. (Previously Presented) The cavity wall construction of claim 25 wherein the first leg is mounted to an outer face of the first wall.

31. (Currently Amended) A cavity wall construction comprising:

a first wall;

a second wall generally parallel to and spaced from the first wall;

wherein the second wall is comprised of courses of masonry units held together with mortar;

an opening in the second wall; ~~and~~

a frame sized and configured to fit within the opening; and

a generally L-shaped device having a first leg and a second leg, the first leg of the device being juxtaposed to a face of one of the walls and ~~a~~ the second leg of the device being inserted into the opening to thereby span the opening in the second wall and be juxtaposed against the frame and the second wall;

wherein the second leg of the device includes a terminal end portion and a frangible ~~connection joining~~ joint connecting the terminal end portion to a remainder of the second leg;

wherein the terminal end portion is adapted to be removed along the frangible ~~connection~~ joint and thereby reveal a recess at a juncture adjacent to the frame, the remainder of the second leg, and the second wall, ~~and the opening;~~

wherein the second leg further comprises a plurality of the frangible ~~connections~~ joints spaced from one another, each adapted to be severed to remove the terminal end portion of the second leg.

32-34. (Cancelled)

35. (Previously Presented) The device of claim 12 wherein the terminal end portion is generally coplanar with the remainder of the second leg.

36. (Previously Presented) The device of claim 12 wherein the second leg further comprises a plurality of the frangible joints spaced from one another, each adapted to be severed to remove the terminal end portion of the second leg.

37. (Previously Presented) The device of claim 12 wherein the frangible joint comprises perforations in the second leg.

38-39. (Cancelled)

40. (New) The cavity wall construction of claim 25 wherein the first and second legs are of dissimilar materials bonded together.

41. (New) The cavity wall construction of claim 25 wherein the terminal end portion is generally coplanar with the remainder of the second leg.

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42. (New) The cavity wall construction of claim 25 wherein the second leg further comprises a plurality of the frangible joints spaced from one another, each adapted to be severed to remove the terminal end portion of the second leg.

43. (New) The cavity wall construction of claim 25 wherein the frangible joint comprises perforations in the second leg.